

ARTICLE 8.

Open Video Systems.

Section 9.1-8-1. Applicability of Chapter.

(a) This Chapter shall apply to open video systems that comply with 47 U.S.C. § 573, except as prohibited in U.S.C. § 573 or 47 CFR Part 76 Subpart S, as may be amended from time to time.

(b) In applying this Chapter to an open video system, "Grantee" shall be taken to refer to the open video system operator, "Cable system" to the open video system, and similar terms shall apply similarly.

Section 9.1-8-2. Application for open video system authorization.

(a) A Person proposing to use public ways for installing cables, wires, lines, optical fiber, underground conduit, and other devices necessary and appurtenant to the operation of an open video system shall first obtain authorization from the Board for such use. A Person may apply for such authorization by submitting an application containing:

(1) The name and address of the applicant and an identification of the ownership and control of the applicant, including: the names and addresses of the ten largest holders of an ownership interest in the applicant and affiliates of the applicant, and all Persons with five percent or more ownership interest in the applicant and its affiliates; the Persons who control the applicant and its affiliates; all officers and directors of the applicant and its affiliates; and any other business affiliation and cable system ownership interest of each named Person.

(2) A detailed description of the physical facilities the applicant proposes to place in public ways.

(3) Any information that may be reasonably necessary to demonstrate compliance with the requirements of federal law, including without limitation, all applicable FCC regulations and orders.

(4) Any information that may be reasonably necessary to demonstrate compliance with the requirements of this Article.

(5) An affidavit or declaration of the applicant or authorized officer certifying the truth and accuracy of the information in the application and certifying that the application meets all federal and state law requirements.

(6) The County may, at its discretion and upon request of an applicant, waive in writing the provision of any of the information required by this Section.

(b) Upon the Board's grant of open video system authorization, the applicant shall pay to the County an amount of Seventy-five Thousand Dollars per Franchise area. The payment shall be non-refundable, shall be made payable to the order of the "County of Fairfax" and may be used to offset in whole or in part any direct costs incurred by the County in granting the authorization.

Section 9.1-8-3. Fee in lieu of franchise fee.

An open video system operator shall pay to the County a fee in lieu of the franchise fee required in this Chapter, pursuant to the terms, procedures and conditions specified in this Chapter for franchise fees.

Section 9.1-8-4. Public, educational, and governmental access obligations.

An open video system operator shall be subject to obligations pertaining to public, educational, and governmental access pursuant to 47 CFR § 76.1505.

Section 9.1-8-5. Usage of public ways.

(a) An open video system operator shall be subject to all requirements of state and local law regarding authorization to use or occupy the public ways, except to the extent specifically prohibited by federal law. FCC approval of an open video system operator's certification pursuant to 47 U.S.C. § 573 shall not confer upon such operator any authority to use or occupy the public ways that the operator would not otherwise possess.

(b) No Person shall construct, install, maintain or operate an open video system or part of an open video system on, over, through, or within a public way in the County, or on, over, through, or within any other public property of the County, unless an agreement has first been obtained pursuant to the provisions of this Article, and unless such open video system agreement is in full force and effect.